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December 12, 2019

Honorable Ronnie Abrams
United States District Court Judge
Southern District of New York
40 Foley Square,
New York, New York 10007

Re: *United States v. Jason Mojica, 19 Cr. 280 (RA)*

Honorable Judge Abrams:

I write on behalf of my client, Mr. Jason Mojica, in advance of his sentencing, scheduled for December 20, 2019 at 4:30 P.M. Mr. Mojica took responsibility for unlawfully possessing a firearm as a person with a prior felony conviction, pleading guilty on May 24, 2019. In the October 28, 2019 Revised Presentence Investigation Report (PSR), the Probation Department recommends a 15-month sentence, a term at the bottom of the applicable range of the advisory United States Sentencing Commission Guidelines.

No prison sentence will ever solve—or even [REDACTED]

[REDACTED]

While Mr. Mojica holds himself entirely accountable for his actions, it is also clear that he did not choose [REDACTED]

[REDACTED]

Yet, there is cause for hope. Mr. Mojica is at the beginning of a long process of recovery. As he emerges, he finds that his family is there to welcome him back. *See* PSR ¶¶ 65-67. His mother, Ms. Michelle Rodriguez, his girlfriend, Ms. Essie Gomez, and his great-grandmother, Ms. Martha Rodriguez are all eager to see him released and in meaningful

¹ [REDACTED]

[REDACTED]

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treatment. *Id.* The public interest—and Mr. Mojica’s very future—depends on the strength of these bonds and the success of that treatment. On his behalf, I respectfully urge the Court to impose a sentence of time served followed by three years of supervised release with the special condition of intensive drug and mental health treatment that is appropriately tailored to Mr. Mojica’s unique needs. Such a sentence is sufficient to achieve the goals of sentencing set forth in Title 18 United States Code § 3553(a), and would best ensure Mr. Mojica’s safe restoration to the community, his family, and his best self.

I. Causes and Effects

The people who are closest to Jason Mojica know he is a fundamentally good person, with a “good heart.” PSR ¶¶ 66, 67. But they also see his long struggle [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

by 1997 he had moved away from his family to Charlotte, North Carolina. PSR ¶ 61. He was 13 years old.

After he moved away, Mr. Mojica was no better equipped [REDACTED]

[REDACTED]

II. Coming to Grips with Reality.

Imprisonment won’t cure Mr. Mojica [REDACTED]

[REDACTED]

He has to believe himself worth the struggle.

His family knows he is. His girlfriend Esmerelda Gomez is supportive of him. PSR ¶ 65. His mother, Michelle Rodriguez voices her support for him. PSR ¶ 66. Martha Rodriguez, his great grandmother has seen Mr. Mojica [REDACTED], but affirms that

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“her family remains supportive of him despite his legal case and incarceration.” PSR ¶ 67. Mr. Mojica knows he needs his family’s help. He will need it every step of the way. Mr. Mojica’s personal interest in breaking out of his [REDACTED]

III. The Statutory Factors.

The Court is entirely familiar with the legal standard governing sentencing. Since *United States v. Booker*, 534 U.S. 220 (2005), both the United States Supreme Court and the Second Circuit have stressed that a sentence must be based upon an individualized analysis of the particular characteristics of the defendant and his crime. In imposing sentence, the Court is guided by the overarching “parsimony principle” of § 3553(a), which calls for the Court to impose a sentence ‘sufficient, but not greater than necessary’ to accomplish the goals of sentencing.” *United States v. Ministro-Tapia*, 470 F.3d 137 (2d Cir. 2006)(directing district courts to impose the lowest sentence necessary to achieve the ends of sentencing).

In particular, § 3553(a)(2)(D) directs the Court to consider the need for the sentence imposed to provide Mr. Mojica with needed medical care in the most effective manner. Unquestionably, Mr. Mojica’s [REDACTED]

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[REDACTED]

[REDACTED] is particularly urgent. Not only is it the most effective manner of treating Mr. Mojica's [REDACTED], but it is also the safest.

V. Conclusion

For all the reasons discussed above, it is respectfully requested that the Court sentence Mr. Mojica to time served followed by three years of supervised release with the special condition of intensive drug and mental health treatment.

Thank you for considering this request.

Respectfully submitted,



Christopher A. Flood
Assistant Federal Defender
Counsel for Mr. Jason Mojica

cc: James Ligtenberg, AUSA